



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

08/470,051

06/06/1995

JOHN C. HARVEY

5634.268

7002

70813

7590

02/26/2010

GOODWIN PROCTER LLP
901 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20001

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2438

NOTIFICATION DATE

DELIVERY MODE

02/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AAlpha-Kpetewama@goodwinprocter.com
patentdc@goodwinprocter.com
fmckeon@goodwinprocter.com

Interview Summary	Application No. 08/470,051	Applicant(s) HARVEY ET AL.	
	Examiner MINH DIEU NGUYEN	Art Unit 2438	

All participants (applicant, applicant's representative, PTO personnel):

(1) MINH DIEU NGUYEN. (3) ____.

(2) Carl Benson. (4) ____.

Date of Interview: 22 January 2010.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: ____.

Claim(s) discussed: ____.

Identification of prior art discussed: ____.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Minh Dieu Nguyen/ Primary Examiner, Art Unit 2438	
---	--

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: After reviewing "Telesoftware" by Hedger and "Process for the transmission of TV signals and system for implementation of Process" by Zaboklicki, the Applicant amends the claims as follows:

Examiner Nguyen,

Attached is a revised proposed amendment to the claims of Application Serial No. 08/470,051.

As set forth in MPEP 502.03, we recognize that Internet communications are not secure. According, applicants hereby authorize the USPTO to communicate with us concerning any subject matter of this application by electronic mail. We understand that a copy of these communications will be made of record in the application file.

<<DOWN 81_ Oct 2009 proposed amendment.RTF>>

Carl L. Benson
GOODWIN | PROCTER LLP
901 New York Avenue, N.W.
Washington, D.C. 20001
T: 202.346.4018
F: 202.346.4444
<www.goodwinprocter.com>

Application Serial No.: 08/470,051
Attorney Docket No.: PMC-003 C219
Examiner Minh Dieu T. Nguyen

DRAFT PROPOSED AMENDMENT

1-66. (Cancelled)

67. (Currently amended) A method for controlling the display of video information on a remote display from a cable head end by downloading an executable program from a source over a cable network to a remote control processor, said remote control processor having a storage device, said method comprising the steps of:
receiving said downloaded executable program over said cable network at said remote control processor;
storing said downloaded executable program at said remote control processor in said storage device; and
executing said downloaded executable program at said remote control processor, said downloaded executable program;
receiving messages control signals at said remote control processor from said cable head end to effect operation during the execution of said downloaded executable program that control the execution of said downloaded executable program, wherein said method controls displaying to control how said video information is displayed on said remote display.

68-76. (Cancelled)

77. (Previously presented) The method of claim 67, wherein at least one of said messages from said cable head end to said downloaded executable program comprises a command.

78. (Previously presented) The method of claim 67, wherein at least one of said messages from said cable head end to said downloaded executable program comprises an instruct-to-overlay signal.

79-169. (Cancelled)

170. (Cancelled) A method of controlling a receiver station which includes a television receiver, a signal detector, a processor, an output device, and with said receiver station adapted to detect the presence of one or more control signals and programmed to process downloadable executable code, said method of controlling comprising the steps of:
(1) receiving at a transmitter station downloadable executable code which is effective at said receiver station to respond to messages communicated from a broadcast or cablecast transmitter station to affect said output device, said downloadable executable code having at said receiver station a target processor to process data;
(2) transferring said downloadable executable code to a transmitter;

(3) receiving said one or more control signals at said transmitter station, said one or more control signals operate to execute said downloadable executable code;
(4) transferring said one or more control signals to said transmitter; and
(5) transmitting at least one information transmission including said downloadable executable code and said one or more control signals to said receiver station, said information transmission effective to control said receiver station.

171. (Cancelled) The method of claim 170, wherein said downloadable executable code or identification data in respect of said downloadable executable code are embedded in a television signal.

172. (Cancelled) The method of claim 170, wherein video is displayed at said receiver station and said downloadable executable code programs said receiver station processor to output a first portion of said video.

173. (Cancelled) The method of claim 170, further comprising the step of transmitting a second portion of said video to said receiver station.

176. (Cancelled) The method of claim 170, further comprising the step of transmitting a message of said messages.

205. (Currently amended) A method of controlling a plurality of receiver stations each of which includes a television receiver, a signal detector, a processor, and with each said receiver station adapted to detect the presence of one or more control signals and programmed to process downloadable processor instructions, said method comprising the steps of:

(1) receiving at a transmitter station said downloadable processor instructions which are effective at a receiver station, when executed, to operate a computer under broadcast or cablecast network control, said downloadable processor instructions having controlling at each of said plurality of receiver stations a target processor to process data to control the display of video;
(2) transferring said downloadable processor instruction to a transmitter;
(3) receiving said one or more control signals at said transmitter station, wherein each of said one or more control signals operate to execute a different one of said downloadable processor instructions; and
(4) transferring said one or more control signals to said transmitter, and transmitting an information transmission comprising said downloadable processor instructions and said one or more control signals;
wherein said method controls said plurality of receiver stations.

206. (Previously presented) The method of claim 205, wherein said downloadable processor instructions and said one or more control signals are embedded in a television signal.

207. (Currently amended) The method of claim 205, wherein said video is displayed at a receiver station and said downloadable processor instructions program said target processor of said receiver station to output a first portion of said video, said method further comprising the step of transmitting a second portion of said video to said receiver station.

208. (Previously amended) The method of claim 205, wherein a period of time separates transmission of a first and a second of at least two of said one or more control signals.

209-314. (Cancelled)

315. (Currently amended) A method of controlling a plurality of receiver stations each of which includes a television receiver, a signal detector, a processor to process data, each said plurality of receiver stations is adapted to detect at least one control signal and programmed to process downloadable processor instructions, said method comprising the steps of:

(1) receiving at a transmitter station downloadable processor instructions which are effective at a receiver station of said plurality of receiver stations to implement a scheme for at least one of generating and transmitting generate content of a television signal program;
(2) transferring said downloadable processor instructions to a transmitter;
(3) receiving said at least one control signal at said transmitter station, wherein said at least one control signal operates to execute said downloadable processor instructions; and
(4) transferring said at least one control signal to said transmitter, and transmitting at least one information transmission comprising said downloadable processor instructions and said at least one control signal.

316. (Currently amended) The method of claim 315, further comprising the steps of:
embedding at least one of (i) said downloadable processor instructions and (ii) identification data with respect to said downloadable processor instructions in a signal that includes a portion of said television program; and
transmitting said signal that includes a portion of said television program.

317. (Currently amended) The method of claim 315, wherein a said television program is displayed at a receiver station of said plurality of receiver stations and said downloadable processor instructions program said processor at said receiver station of said plurality of receiver stations to output a video portion of said television program.

318. (Previously presented) The method of claim 317, further comprising the step of transmitting said television program.